REMARKS

In the Office Action mailed 21 December 2005, the Examiner rejected claims 1 – 14 under 35 U.S.C. §102(e) as anticipated by Horwath (U.S. Patent No. 6,917,809), where claims 1, 9, and 12 are independent claims. Applicants respectfully disagree and request reconsideration.

The primary reference, Horwath, describes a communication system aimed at generating a "Monitored Set" of cells from existing neighbor lists of cells using a prioritization "filter" to view the neighbor lists. In particular, Horwath uses a counter system to count the number of times a cell in an existing neighbor list is added to an "Active Set" of cells. Based on this count, Horwath assigns a priority to each cell in the neighbor list. In changing the priority of the neighbor list, Horwath changes a "filter" used to view the neighbor list when selecting cells from the neighbor list for the Monitored Set. It is important to note that adding a cell to an Active Set or to a Monitored Set does change the architecture of the communication system or the make-up of an existing neighbor list. Instead, according to Horwath's teachings, adding a cell to the Monitored Set simply changes the Monitored Set, while adding a cell to the Active Set simply changes the Active Set and the counter associated with the added cell (see Figures 3 – 8). Further, it is important to note that Horwath's counter system only includes the identity of each cell in a neighbor list and the associated counter, and does not include any additional cell information, such as control channel assignments.

The claimed invention comprises a method of maintaining neighbor lists in a wireless communication system by modifying both a centralized link-list database and each affected neighbor list responsive to a neighbor modification command. Contrary to the Examiner's assertions, Horwath does not teach or suggest receiving a neighbor modification command or modifying affected neighbor lists responsive to the received neighbor modification command, as required by each independent claim. The claimed neighbor modification command comprises a

command indicating a change in the system architecture. As defined in paragraph [0015] of the instant specification, a change in the architecture corresponds to the addition of a cell to the system, the deletion of a cell from the system, and/or a change in a control channel assignment. As such, the claimed neighbor modification command is spawned by a change to the architecture of the wireless communications system. Applicants amend claim 1 to further clarify the claim language on this point. No new matter is added. The Examiner asserts that because Horwath receives a command to add a current neighbor list cell to an "Active Set," Horwath teaches the "receiving" step of the independent claims. However, while Horwath adds an existing neighbor list cell to the Active Set in response to the received command, the actual list of cells in a neighbor list do not change (e.g., *see* Figures 3 – 8). As such, the modification command in Horwath is an <u>active set modification command</u>, not a neighbor modification command, as required by the independent claims. For at least this reason, Horwath does not anticipate the independent claims.

Each independent claim further requires automatically modifying affected neighbor lists in response to the neighbor modification command. In particular, claim 1 automatically deletes a neighbor relation, adds a neighbor relation, and/or changes a control channel of a cell in each of the affected neighbor lists responsive to the neighbor modification command; claim 9 automatically deletes a neighbor relation of affected neighbor lists; and claim 12 automatically changes a control channel of affected neighbor lists. Horwath simply does not provide this teaching. First, because Horwath does not teach receiving a neighbor modification command, as discussed above, Horwath necessarily cannot teach modifying a neighbor list responsive to the non-existent neighbor modification command. Further, while the Examiner asserts that Horwath's prioritization of the cells within a neighbor list corresponds to the claimed automatic modification of the neighbor lists, such assertions are inconsistent with Horwath's teachings. As described in the Abstract and throughout the specification, Horwath determines a priority

assigned to cells in a neighbor list for the sole purpose of establishing a Monitored Set of cells. However, changing the priority rating of a cell for purposes of Monitored Set selection is wholly different from actually changing or modifying the neighbor list itself. There is no indication in Horwath that the neighbor lists themselves are changed; instead only the Monitor Set selection filter is changed. The claims require the former. Because Horwath does not teach or suggest actually changing the cells in the neighbor list(s), Horwath does not teach or suggest automatically modifying the neighbor lists, as required by the independent claims. For at least these reasons, Horwath does not anticipate independent claims 1, 9, and 12.

Even assuming, as the Examiner insists, that Horwath changes the neighbor list, Horwath cannot anticipate claim 1. Claim 1 requires changing a neighbor list **and** a separate central link-list database responsive to the neighbor modification command. As shown in Figures 3-8 and described in col. 2, lines 58-61, Horwath's priority rating changes take place at the RNC. However, while these RNC-based changes may be assumed *arguendo* to take place either in a centralized database **or** in a neighbor list, they simply cannot take place in both. Independent claim 1 requires changes to both, not just one. Thus, Horwath fails to teach an explicit limitation of claim 1.

With regard to new dependent claim 20, Applicants note that nothing in Horwath teaches or suggests actually modifying a central list of neighbor lists by deleting a cell relationship, adding a cell relationship, or changing a control channel, as required by claim 20. In fact, Figures 3-8 of Horwath explicitly show that while the counters change responsive to each active set modification command, the neighbor list for each cell stays the same. Because Horwath does not teach or suggest a central link-list database that identifies neighbor cells and corresponding control channels for a plurality of cells, or automatically modifying the central link-list database responsive to a neighbor modification command as claimed in claim 20, Horwath does not anticipate claim 20.

Applicants further note that claims 9 and 12 contain specific claim language directed to automatically deleting a neighbor relation from affected neighbor lists and automatically changing a control channel of a cell in affected neighbor lists, respectively. However, the pending Office Action uses the exact same language to reject both claims 9 and 12 (last paragraph on p. 4). This language addresses the language of claim 9; nothing in the Action addresses the language of claim 12. As such, the rejection of independent claim 12 is improper as a matter of law and must be withdrawn. Applicant also notes that due to this omission, any subsequent rejection of claim 12 **cannot be made final** in the next action.
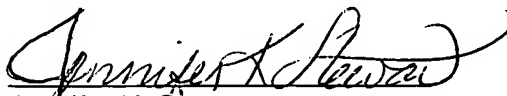
Horwath also does not teach or suggest a central link-list database that identifies the neighbor cells and corresponding control channels for a plurality of cells, as claimed by independent claim 1 and dependent claim 13. While Horwath describes maintaining a set of counters for tracking how often different cells in a neighbor list are added to the active set, nothing in Horwath teaches or suggests that this tracking system also includes control channel assignments corresponding to the cells in the neighbor lists. In fact, because the central tracking system is only tasked with a tracking function, there is no reason to include any information other than the cell identity because any other information would unnecessarily take up valuable memory resources.

Further, because Horwath does not receive a neighbor modification command or maintain the claimed central link-list database, as discussed above, Horwath necessarily cannot modify the claimed central link-list database responsive to the claimed neighbor modification command. As such, Horwath cannot anticipate independent claim 1 or dependent claim 13.

In light of the above remarks, Applicants submit that Horwath does not anticipate independent claims 1, 9, and 12, or any claims depending therefrom. As such, Applicants request that the Examiner reconsider the rejections and issue a Notice of Allowance. If any

issues remain, Applicants request that the Examiner call the undersigned so that such issues

may be resolved expeditiously.

Respectfully submitted,
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